

TWENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
February 16, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Blackert. DeBerry.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Woodward:

S. J. R. No. 13, Proposing an amendment to Section 3 of Article VIII of the Constitution of the State of Texas, and providing for the levying and collection of taxes by general laws, and fixing the total amount of revenue which may be collected during each biennium, and the total amount of funds which may be expended during each biennium; provided that restrictions herein contained as to amounts of taxes to be levied may be suspended in case of grave emergencies; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senator Fellbaum:

S. B. No. 218, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas by adding thereto a subdivision to be known as 'No. 95', to read as follows:

'Corporations may be created for the purpose of constructing, maintaining and operating radio broadcasting equipment and stations, and the charters of any corporations organized under the laws of the State of Texas now operating broadcasting equipment and stations in Texas may be amended to include the construction, maintenance and operation of radio broadcasting equipment and stations,' and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Neal, Cousins, Redditt and Pace:

S. B. No. 219, A bill to be entitled "An Act extending the limits of all existing common and independent school districts which border on navigable streams to the center of such stream so as to include in each district one-half ($\frac{1}{2}$) of the beds of such streams; and requiring that the limits of any school district hereafter created in any way so as to border on any navigable stream, to be extended to the center of such streams so as to include one-half ($\frac{1}{2}$) the bed thereof, defining the center of such stream, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Redditt:

S. B. No. 220, A bill to be entitled "An Act amending Section 1, Chapter 213, Acts of the Regular Session, Forty-second Legislature, Special Laws, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Poage:

S. B. No. 221, A bill to be entitled "An Act amending Article No. 2218, so as to provide that no process shall issue or sale be had on any unpaid balance on any judgment for the foreclosure of mortgages or other liens until same shall have been rendered for taxation, prescribing the method of such rendition, and the evidence thereof, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 16, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following resolution:
H. C. R. No. 24, Adopting the
"Bluebonnet" song as the State
Flower Song.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Simple Resolution No. 49.

Senator Woodul sent up the fol-
lowing resolution:

Whereas, The citizens of Refugio
County have petitioned the Legisla-
ture of Texas to acquire for the
State, and improve and mark for
posterity in the form of State Parks,
three historic spots in Refugio
County; and

Whereas, Due to the present finan-
cial condition the State is not in a
condition at this time to take any
action; now, therefore, be it

Resolved by the State of Texas,
That the Lieutenant Governor ap-
point a committee of three to investi-
gate the said historical spots, at their
own expense, and report back to the
Forty-third Session of the Legisla-
ture.

WOODUL.

Read and adopted.

(See Appendix of today's Journal
for information relative to this mat-
ter.)

S. C. R. No. 15.

Senator Moore sent up the follow-
ing resolution:

Whereas, On or about February 1,
A. D. 1929, the State Highway Com-
mission of the State of Texas did
construct a highway in Mitchell
County, Texas, known as Highway
No. 1, and

Whereas, During the construction
of said highway, the Highway De-
partment did cause to be damaged
a pipeline belonging to the Col-Tex
Refining Company, and

Whereas, It was necessary, be-
cause of the construction of said
highway, for the Col-Tex Refining
Company of Colorado, Mitchell Co.,
Texas, to move their pipeline for a
distance of several miles at great
expense, and

Whereas, The said Col-Tex Re-
fining Company has never been com-
pensated for the damage done to
their pipeline and repaid for the cost
of moving said pipeline; now, there-
fore, be it

Resolved by the Senate of the
State of Texas, the House of Repre-
sentatives concurring, That the said
Col-Tex Refining Company, its suc-
cessors and assigns, be and are
hereby granted permission to bring
suit against the State of Texas in
the district court of Travis County,
Texas, in order to determine what
compensation, if any, the said Col-
Tex Refining Company is entitled to
receive by reason of such damages,
and that the suit be filed within two
years from the passage of this reso-
lution, and that in case such suit is
filed, service of citation or other
necessary process be had upon the
Attorney General of the State of
Texas and the Chairman of the High-
way Commission of the State of
Texas, and that the same have the
same force and effect as made and
provided in civil cases, and that if
any judgment is recovered thereon
it shall be paid out of the funds of
the State Highway Commission.

MOORE, by request.

Read and referred to Committee
on State Affairs.

Resolution Signed.

The Chair, Lieutenant Governor
Edgar E. Witt, gave notice of sign-
ing, and did sign, in the presence
of the Senate, after its caption had
been read, the following resolution:

H. C. R. No. 23.

Motion to Consider S. S. R. No. 46.

Senator Woodruff moved to reject
the report of the Committee on State
Highways and Motor Traffic refer-
ring S. S. R. No. 46 to the Senate
sitting as a Committee of the Whole
and moved as a substitute to take
up the resolution in open session of
the Senate.

Senator Hornsby moved to table
the motion.

Senator Woodruff received unani-
mous consent to have the further
consideration of the motion laid on
the table subject to call until after
the reading of a message from the
Governor.

H. C. R. No. 24 Referred.

H. C. R. No. 24 referred to Com-
mittee on State Affairs.

Message From the Governor.

Executive Office,
Austin, Texas, February 15, 1933.

To the Texas State Senate:

Gentlemen: I acknowledge receipt under the hand of your Secretary of a resolution adopted February 13th, requesting me to submit in writing the source of my information in reference to the matters and things mentioned in my message to your body on February 13th. I beg to advise that the source of my information is the State Treasurer, Honorable Charles Lockhart, and four resident bankers of Austin, to-wit: Mr. Eldred McKinnon, Mr. W. H. Folts, Mr. Roger Roberdeau and Mr. Sam Sparks, who in conversation stated in substance the facts set forth in my message. I then asked the Austin bankers for a list of counties involved in the deposits of bonds as security for deposits in the Security Trust Company, together with a list of bonds deposited by each county. I was by them advised that the counties involved and the amounts of bonds deposited by each county were as follows:

ANDREWS COUNTY.

City of Burkburnett 6% Refunding Bonds	\$ 6,000.00
Cameron County 5% Road Bonds	3,000.00
Dickens County 6% General Funding Warrants	5,000.00
Hidalgo County 6% W. C. & I. D. No. 6 Bonds	40,000.00
Liberty County 5% Road Bonds	1,000.00
City of Mineola 5% Waterworks Bonds	1,500.00
City of Muleshoe 6% Funding Warrants	5,000.00
Navarro County Road Dist. No. 7 Bonds	500.00
City of O'Donnell 6% Funding Wts.	6,500.00
Panola County 5% Road Bonds	6,000.00
San Patricio Co. R. D. No. 5 Bonds	1,000.00
Stonewall Co. 6% Funding Wts.	3,000.00
Willacy County 6% W. I. D. No. 1 Bonds	5,000.00
Zapata County 6% Perm. Imp. Wts.	9,000.00
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	\$ 92,500.00

BELL COUNTY.

Liberty County 5% Road Bonds	\$ 25,000.00
City of Corpus Christi 5% Funding Bonds	45,000.00
Live Oak Co. 5% Road Bonds	1,000.00
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	\$ 71,000.00

BOWIE COUNTY.

Hidalgo County 6% W. I. D. No. 6 Bonds	\$ 21,000.00
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COLORADO COUNTY.

Colorado County 6% Perm. Imp. Bonds	\$ 23,000.00
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CONCHO COUNTY.

Cameron Co. Irrigation Dist. No. 1 Bonds	\$ 3,000.00
City of Childress 6% St. Imp. Wts.	5,000.00
City of Donna 6% Waterworks Wts.	35,000.00
Hidalgo Co. Irrigation Dist. No. 1 Bonds	4,000.00
Hidalgo Co. W. I. D. No. 3 Bonds	1,000.00
Willacy County W. I. D. No. 1 Bonds	16,000.00
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	\$ 64,000.00

GAINES COUNTY.

City of Donna 6% Waterworks Warrants	\$ 35,000.00
Hidalgo County Water District No. 12 Bonds	10,000.00
City of Megargel 5½% Funding Bonds	2,000.00
Willacy Co. Water Dist. No. 1 Bonds	40,000.00
Wood County 6% Road Bonds	20,000.00
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	\$ 107,000.00

LIBERTY COUNTY.

Willacy County Water Dist. No. 1 Bonds.....	\$	40,000.00
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LIPSCOMB COUNTY.

City of Bowie 6% Street Imp. Wts.....	\$	7,000.00
Briscoe County Line 5% R. H. S. Bonds.....		3,500.00
Cameron County 6% Water Dist. No. 5 Bonds.....		1,000.00
Kimble County 6% R. & B. Funding Wts.....		2,000.00
City of Kirbyville 6% Waterworks Bonds.....		4,000.00
LaSalle & McMullen Counties 6% W. D. No. 1 Bonds.....		7,000.00
Motley County 6% Funding Warrants.....		1,000.00
City of Muleshoe 6% Sewer Wts.....		319.00
Pecos County 5% W. D. No. 1 Bonds.....		1,000.00
City of Ranger 6% Street Equipment Wts.....		3,600.00
City of Trinity 6% Fire Apparatus Wts.....		3,000.00
Willacy County 6% W. D. No. 1 Bonds.....		35,000.00
	\$	68,219.00

LIVE OAK COUNTY.

Cameron County 6% W. D. No. 3 Bonds.....	\$	8,000.00
Cameron County 6% W. D. No. 3 Bonds.....		5,000.00
City of Hermleigh 6% Waterworks Wts.....		7,000.00
Hidalgo Co. 7% W. D. No. 4 Notes.....		5,000.00
Dallas Joint Stock Land Bank Bonds.....		9,000.00
Houston Joint Stock Land Bank Bonds.....		1,000.00
Shelby Co. 5½% Road & Bridge Funding Bds.....		5,000.00
City of West University Place 5% W. W. Bonds.....		7,000.00
Willacy Co. 6% W. D. No. 1 Bonds.....		75,000.00
	\$	122,000.00

MADISON COUNTY.

San Antonio Joint Stock Land Bank Bonds.....	\$	2,000.00
City of Spearman 5½% Funding Bonds.....		20,000.00
Trinity County 5½% Road Bonds.....		1,000.00
	\$	23,000.00

MATAGORDA COUNTY.

Karnes County 5% R. D. No. 7 Bonds.....	\$	85,000.00
Liberty County 5% R. D. No. 4 Bonds.....		33,000.00
Liberty County 5% R. D. No. 4 Bonds.....		29,000.00
Montgomery County 5½% R. & B. Funding Bonds.....		4,000.00
	\$	151,000.00

PECOS COUNTY.

Atascosa County 5½% R. & B. Funding Bonds.....	\$	948.45
Bell County 5% R. D. No. 5 Bonds.....		100.00
City of Bowie 6% St. Imp. Bonds.....		1,000.00
Cameron County 6% W. D. No. 3 Bonds.....		6,000.00
Childress County 6% Funding Wts.....		2,000.00
City of Corpus Christi 5% St. Bonds.....		1,000.00
For. Stockton I. S. D. 6% Voucher.....		15,000.00
Gaines Co. 6% Funding Wts.....		5,000.00
City of Goose Creek 6% Sewer Wts.....		8,000.00
Shelby County 6% Road Imp. Wts.....		500.00
City of Gruver 6% Sewer Wts.....		3,000.00
Harral Co. Line 5% School Dist. Bonds.....		1,000.00
Henderson County 5% R. D. No. 8 Bonds.....		1,500.00
Hidalgo Co. 6% R. & B. Wts.....		1,000.00
Hidalgo County 6% Tick Eradication Wts.....		2,000.00
Dallas Joint Stock Land Bank Bonds, 5%.....		13,000.00
City of Kenedy 5½% Funding Bonds.....		1,000.00
Leon County 6% Bridge Wts.....		5,000.00
City of Levelland 5½% Sewer Bonds.....		5,500.00
Liberty I. S. D. Vouchers.....		4,160.00

Liberty Co. 6% Courthouse Funding Bonds.....	3,000.00
City of Littlefield 6% Funding Wts.....	20,000.00
Orange Co. 5 ½% R. & B. Funding Bonds.....	506.00
Panola County 5 ½% Road Bonds.....	7,000.00
Pecos County 5 ½% Road Bonds.....	19,000.00
City of Port Arthur 5 ½% Bridge Bonds.....	1,500.00
Sabine County 5 ½% Road Bonds.....	1,000.00
Sabine County 6% Funding Wts.....	4,000.00
Sabine County 6% R. D. No. 9 Bonds.....	500.00
City of Sinton 5 ½% W. W. Bonds.....	1,000.00
City of Slaton 6% W. W. Bonds.....	500.00
City of Sulphur Springs 5% Auditorium Wts.....	11,000.00
City of Sulphur Springs 6% Funding Wts.....	34,000.00
City of Three Rivers 6% W. W. Bonds.....	1,000.00
City of West University Place 5 ½% Funding Bds.....	1,000.00
Wichita Falls I. S. D. 4 ½ Sch. Dist. Bond.....	1,000.00
Wichita County 6% W. D. No. 1 Bonds.....	15,000.00
Willacy Co. 6% W. D. No. 1 Bonds.....	141,000.00
City of Yoakum 5% Hospital Bonds.....	1,000.00
Zapata Co. 6% R. & B. Wts.....	14,500.00
	\$ 382,214.45

REAGAN COUNTY.

City of Archer City 6% Funding Wts.....	\$ 9,000.00
Cameron Co. 6% Irrigation Dist. No. 1 Bonds.....	5,000.00
Cameron Co. 6% W. D. No. 5 Bonds.....	5,000.00
Chambers County 5% R. D. No. 2 Bonds.....	4,000.00
Dallas Co. 6% Levee Dist. No. 5 Bonds.....	4,000.00
Donna Irrigation Dist. 6% Bonds.....	46,000.00
City of Donna 6% Refunding Bonds.....	15,000.00
Gaines County 6% Courthouse & Jail Wts.....	1,000.00
City of Goose Creek 6% St. Wts.....	10,000.00
Karnes Co. 5% R. D. No. 1 Bonds.....	4,000.00
Hidalgo Co. 6% W. D. No. 5 Bonds.....	1,000.00
City of Levelland 5 ½% W. W. Bonds.....	17,000.00
Liberty County 5% Road Bonds.....	4,000.00
Liberty County 5% R. D. No. 4 Bonds.....	4,000.00
Montgomery Co. 5 ½% Funding Wts.....	24,000.00
City of Port Arthur 5% W. W. Bonds.....	2,000.00
City of Port Neches 6% Imp. Wts.....	12,000.00
City of San Marcos 5 ½% School Bond.....	1,000.00
Titus Co. 6 ½% Funding Wts.....	3,000.00
City of Trinity 6% Funding Wts.....	41,000.00
City of White Deer 5% Paving Bonds.....	12,500.00
Willacy County W. D. No. 1 Bonds.....	7,000.00
	\$ 236,500.00

REFUGIO COUNTY.

Bell County 5% R. D. 9-A Bonds.....	\$ 5,000.00
Brewster Co. 5 ½% Road Refunding Bonds.....	3,000.00
Cameron Co. 6% W. D. No. 15 Bonds.....	24,500.00
Camp County 5% R. D. No. 1 Bonds.....	1,000.00
City of Childress 6% Treasury Wts.....	3,000.00
Cottle County 5% Road Bonds.....	1,000.00
City of Crosbyton 6% Funding Wts.....	15,000.00
Dayton I. S. D. 5% Bond.....	5,000.00
City of Dublin 5% W. W. Bond.....	1,000.00
City of Edna 6% W. W. Bond.....	1,000.00
City of Fayetteville 5 ½% W. W. Bonds.....	3,000.00
City of Goose Creek 6% W. W. Wts.....	5,000.00
Henderson County 5% R. D. No. 1 Bonds.....	6,000.00
Hopkins Co. 5% Road Bonds.....	4,000.00
Dallas Joint Stock Land Bank Bonds, 5%.....	11,000.00

San Antonio Joint Stock Land Bank Bonds, 5 %	47,000.00
San Antonio Joint Stock Bank Bonds 5 ½ %	5,000.00
Karnes Co. 5 % R. D. No. 1 Bonds	2,000.00
Karnes Co. R. D. No. 7 Bonds, 5 ½ %	11,000.00
Kent Co. 5 % R. D. No. 7 Bonds	10,000.00
Madison Co. 5 % Road Bonds	12,000.00
City of Monahans 6 % W. W. Bonds	10,000.00
Montgomery Co. 6 % Funding Wts.	29,000.00
Nueces Co. 5 % Navigation Dist. No. 1 Bonds	4,000.00
City of O'Donnell 5 ½ % Funding Bonds	8,000.00
City of Pasadena 6 % W. W. and Sewer Bonds	4,000.00
City of Pasadena 6 % Sewer Bonds	4,000.00
Refugio Co. 5 ½ % Road Bonds	61,000.00
City of Robert Lee 6 % W. W. Bonds	3,000.00
Sabine Co. 5 % R. D. No. 3 Bonds	1,000.00
San Jacinto Co. 5 ½ % Road Bonds	5,000.00
San Jacinto Co. 5 ½ % R. D. No. 4 Bonds	2,000.00
San Patricio Co. 5 % R. D. No. 4 Bonds	12,000.00
San Patricio Co. 5 ½ % R. D. No. 5 Bonds	11,000.00
Somervell County 5 ½ % Road Bonds	2,000.00
City of Spur 5 % Waterworks Bonds	10,000.00
Stonewall Co. 6 % Funding Wts.	8,000.00
City of Thorndale 5 ½ % W. W. Bonds	1,000.00
Trinity Co. 5 ½ % Road Bonds	1,000.00
Tyler County 5 ½ % R. D. No. 2 Bonds	11,000.00
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	\$ 361,500.00

SAN JACINTO COUNTY.

City of Pharr 5 % Funding Bonds	\$ 52,000.00
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TYLER COUNTY.

Aransas County 6 % Perm. Imp. Bonds	\$ 27,000.00
Franklin County 6 % Funding Wts.	6,000.00
City of LaPorte 6 % St. Imp. Bonds	5,000.00
Tyler County 5 ½ % R. D. No. 2 Bonds	1,000.00
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	\$ 39,000.00

VAN ZANDT COUNTY.

Willacy County 6 % W. D. No. 1 Bonds	\$ 32,000.00
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WHEELER COUNTY.

Briscoe County 5 % R. H. S. Bonds	\$ 12,000.00
Bronte 6 % I. S. D. Bonds	500.00
Cameron Co. 5 % Road Bonds	20,000.00
Cameron Co. 6 % W. D. No. 1 Bonds	14,000.00
Cameron Co. 6 % W. D. No. 2 Bonds	9,500.00
Hidalgo Co. 6 % W. D. No. 6 Bonds	78,000.00
Hidalgo Co. 6 % Street Paving Wts.	4,000.00
Hidalgo Co. 6 % Road Imp. Bonds	5,000.00
Kimble Co. 6 % R. & B. Funding Wts.	2,000.00
Motley Co. 6 % Bridge Repair Bonds	995.00
Nolan Co. 5 % R. D. No. 1 Bonds	6,000.00
Orange Co. 5 % C. S. D. No. 20 Bonds	200.00
City of Spearman 5 ½ % Funding Bonds	21,000.00
City of Sulphur Springs 5 ½ % Funding Wts.	11,000.00
Wheeler Co. 4 % Jail Bonds	7,000.00
Willacy Co. 6 % W. D. No. 1 Bonds	17,000.00
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	\$ 208,195.00

WOOD COUNTY.

Cameron County 6 % Irrigation Dist. No. 1 Bonds	\$ 2,000.00
City of Lometa 6 % Sewer Wts.	1,000.00
City of Paducah 5 ½ % Street Wts.	6,000.00
Sabine Co. 5 ½ % Road Bonds	2,000.00

Shelby Co. 6% Funding Wts.....	1,000.00
City of Spur 6% Waterworks Bonds.....	1,000.00
San Patricio Co. 4 3/4 % R. D. No. 5 Bonds.....	1,000.00
City of Stamford 5 1/2 % Water Supply Bonds.....	1,000.00
Willacy Co. 6% W. D. No. 1 Bonds.....	15,000.00
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	\$ 30,000.00

Grand Total..... \$2,124,128.45

My office has made inquiry as to the value of these bonds of those engaged in the bond business, and they value said bonds so deposited in amounts from no value at all to as high as eighty cents on the dollar, but the general range of values is placed at from twenty cents on the dollar to sixty cents on the dollar, and the average value is perhaps no greater than forty cents on the dollar. Many of the bonds so deposited have no value and from bond people I learned that a large part of the bonds so deposited have no market value now whatever.

As soon as this information was received by my office, I directed my secretary to request the State Auditor, Mr. Moore Lynn, to make immediate examination of the records of the Highway Department and of the Security Trust Company and report to my office.

On February 11th, the State Auditor, Mr. Moore Lynn, writes me as follows:

"Hon. Miriam A. Ferguson, Governor
The State of Texas
Austin, Texas.

Dear Madam: In compliance with request transmitted to me in a letter dated February 10, 1933, signed by J. H. Davis, Jr., Secretary to the Governor, I am transmitting to you herewith information concerning amounts deposited in escrow in the Security Trust Company, Austin, Texas, to cover county participation in cost of highway construction work.

As requested, I am submitting schedules and exhibits as follows:

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Schedule 1. Escrow Accounts with Security Trust Company, Austin, Texas, as at February 11, 1933.....	4
Schedule 2. List of Checks Held by the State Highway Department ...	7
Exhibit A. List of Securities with American National Bank, Austin, Texas.....	14
Exhibit B. Copy of Special Escrow Agreement.....	21
Exhibit C. Copy of Attorney General's Opinion, dated January 27, 1932.....	25

Reimbursements receivable as shown in Schedule 1, amounting to \$1,653,107.57 represent amounts charged to the various counties as shown by the records of the Accounting Division of the State Highway Department for county participation in highway construction. Unpaid checks on hand totaling \$1,077,426.52 as shown in detail in Schedule 2, were accepted by the Highway Department to be applied against the amount shown as reimbursements receivable when and if paid.

Amounts shown in Schedule 1 as county participation not yet charged represent estimated county portion of projects incomplete or not yet "finaled" or engineering charges not yet charged to the counties. These amounts are subject to adjustment for overruns, underruns, and other factors.

Balances on deposit with the Security Trust Company, Austin, Texas, aggregating \$2,048,655.69 are shown in detail by counties and projects in Schedule 1. These balances were obtained from the records of the depository bank.

"Securities held by the American National Bank, Austin, Texas, shown at a face value of \$2,119,328.45, to protect county deposits with the Security Trust Company are listed in detail in Exhibit A submitted herewith. I have made no attempt to place a valuation on these securities.

Copy of special escrow agreement relating thereto is presented as Exhibit B.

"Copy of the opinion of the Attorney General, dated January 27, 1932, relating to the handling of bonds and checks by the Highway Department is submitted for your information as Exhibit C.

Respectfully submitted,

(Signed) MOORE LYNN,

State Auditor and Efficiency Expert."

and he has the detailed information in his office supporting the totals. I am sure, if you will call upon him, same will be furnished.

Mr. Lynn's letter also encloses a copy of the Attorney General's opinion, and I enclose you a copy of said opinion. I also enclose you copy of the special escrow agreement between Andrews County and the State Highway Department and the American National Bank covering the deposit of bonds with them. The copy of the Andrews County agreement is the same used by the same parties covering the deposits in other counties above named.

In addition to the \$1,653,107.57 referred to in copy of Mr. Moore Lynn's letter, his report to me shows that there were other projects of county participation amounting to \$270,615.75 which has not been charged, this being the item referred to in his letter as "subject to adjustment for overruns, underruns, and other factors."

If I can give you further information, I will be glad to do so.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

"EXHIBIT B."

Copy of Special Escrow Agreement.

WHEREAS, Andrews County, Texas, has on deposit with the Security Trust Company, of Austin, Texas, funds in the amount of Ninety-two Thousand Four Hundred and Forty-one Dollars and 04/100 (\$92,441.04) Dollars, proceeds of bonds to aid in the construction and improvement of certain State designated highways in said county, for which deposit of funds said Trust Company issued to said County its Certificate of Deposit; and

WHEREAS, Said County received and now holds certain collateral from said Security Trust Company to secure said deposit of funds, as listed in the collateral agreement with said Trust Company, copy of which list is hereto attached; and

WHEREAS, Said Trust Company is not now in available cash funds to meet warrants of said County drawn upon or against said deposit or credit, to reimburse the Highway Department (or State Highway Fund) for advances made by the Department for account of said County as the same become due, as the work of such construction proceeds; and

WHEREAS, Necessity exists that said Highway Department be secured for such advances;

NOW, THEREFORE, Said Andrews County, through its Commissioners Court and County Judge, does hereby, in consideration of the premises, allocate, set aside, and pledge to the Highway Department of Texas, the funds so on deposit with said Trust Company, together with all the collateral received and held by said County as security for said deposit and funds, to secure all sums due to the Highway Department, or that may become due to said Highway Department, by said County as and for said County's share or amount of such construction which has been or may be advanced or paid out by the Highway Department for account of such County on such construction or improvement until the entire amount of such advances shall be paid and satisfied in full according to the contract or arrangement entered into by said County and the Highway Department; this action being necessary to enable the Highway Department to carry on the work of construction now under contract and under way.

It is further agreed by and on behalf of said county, that such deposit of funds with said Trust Company shall not be withdrawn or waived or diverted to any other use or purpose without the written consent of the State Highway Commission, until the full purpose of this pledge and agreement shall have been fully fulfilled. And it is further agreed by and on behalf of said County that the said collateral to secure said deposits of funds shall not be withdrawn, diverted, substituted, waived, or released, in whole or in part, without the written consent of the Highway Commission.

In consideration hereof the Highway Department will carry on and complete the project or projects now under contract in said County, for which said funds are paid, and will advance, for the time being, the County's share of the same for account of said County.

That as to any further construction of highway projects in said County, under the arrangement and pledge herein provided, the Highway Commission does not undertake to bind the Department; but such additional construction, if any, will be decided upon from time to time by the Highway Commission under arrangements that may be entered into by the parties hereto.

This CONTRACT or AGREEMENT, which is executed in duplicate, is to be spread on the proper minutes of the County Commissioners Court of said County, and a duplicate original placed in the files of the Highway Department.

Dated this 5th day of February, 1932.

TEXAS STATE HIGHWAY DEPARTMENT,

(Seal) By CONE JOHNSON,
W. R. ELY.

H. T. WILSON,
County Judge.

W. L. WHITE,

(Seal) Commissioner, Precinct No. 1.

K. H. IRWIN,

Commissioner, Precinct No. 2.

H. H. WOOLEY,

Commissioner, Precinct No. 3.

M. A. THORNBERRY,

Commissioner, Precinct No. 4.

The Security Trust Company hereby recognizes the foregoing agreement between the State Highway Commission and Andrews County, and agrees to the carrying out of the same as contained in said agreement.

Dated this 12th day of Feb., A. D. 1932.

(Seal)

E. P. CRAVENS,

Vice-President.

The American National Bank of Austin, Texas, hereby acknowledges receipt of the foregoing contract between Andrews County, the Security Trust Company, and the State Highway Department, and attaches hereto a list of collateral held by it as Trustee to secure the deposit of said county in the Security Trust Company; and agrees to continue to hold such collateral as Trustee, in accordance with the original agreement between Andrews County and the Security Trust Company, as amended in said foregoing contract between Andrews County and the Security Trust Company and the State Highway Department.

Dated at Austin, Texas, this the 13th day of February A. D. 1932.

AMERICAN NATIONAL BANK OF AUSTIN, TEXAS.

By L. D. WILLIAMS,

Its Cashier and Trust Officer.

"EXHIBIT C."

Under date of January 26, 1932, Hon. Cone Johnson, State Highway Commissioner, made inquiries of the Attorney General as follows:

"(1) Can the State Highway Department accept bonds or other obligations of any political subdivision of the State which are not in default,

including those which are now held as pledges to secure funds presently to be used in road construction under the State Highway Department in lieu of cash when and as highway bills are presented to the county for payment?

"(2) That until such pledged securities can be sold, can the State Highway Department proceed with the work and not demand or 'bill' the counties involved for their part of the roads being constructed?

"(3) Can the State Highway Department proceed with such work and demand of such counties their checks as such work progresses, and impound and hold such checks against said county depositories if in the opinion of the county or the State Highway Department such checks cannot be cashed without imperiling the ultimate safety and payment of the funds of the county or counties involved?

"(4) Can the Highway Department proceed with such work upon the county or counties placing in escrow bonds or other securities now forming the basis of pledges for county deposits for safekeeping, pending the liquidation of county indebtedness to the Department?"

The reply dated January 27, 1932, contained the following language:

"You are advised that in my opinion there is no statutory authority for the Highway Department to pursue any of the courses set out in questions Nos. 1, 2 and 4, and we believe such courses are inhibited by law.

"This leaves only the method set out in question 3 for consideration.

"As the Highway Department is authorized by law to make contracts with counties for the construction of roads, the counties to pay such part of the cost of construction as may be agreed upon, and as there is no direct statutory provision as to when the State Highway Department shall cash the warrants issued by the county in payment of its pro rata share of such construction, we cannot find any provision of the statutes that would expressly prohibit the State Highway Department from pursuing the course outlined in your question No. 3. However, in this connection we do not deem it inappropriate to suggest that the agreement entered into between a particular county and its depository, whereby bonds have been placed by the depository with a bank acting as trustee for both the depository and the county, be modified in such a way that the pledged bonds cannot be sold, exchanged or otherwise disposed of without the consent of the State Highway Department. This in order to fully protect the interests of the State Highway Department in said pledged securities.

"You are further advised that in our opinion it would not be legal for a county, road district, or political subdivision thereof to pledge its own bonds, warrants, or other evidence of indebtedness to secure the Highway Department in the payment of its part of the cost of such road improvements."

Special Committee Report.

Senator Woodward sent up the following special committee report:
Committee Room.

Austin, Texas, Feb. 16, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee heretofore appointed to formulate rules of procedure under which the Committee of the Whole Senate is to proceed in accordance with the resolution adopted on February 13, 1933, beg leave to submit our report and recommendation as follows, to-wit:

"Whereas, The Senate has heretofore on February 13th adopted a resolution to resolve itself into a Committee of the Whole Senate at 10:30 a. m., Thursday, February 16, 1933, for the purpose of investigating the

matters called to the attention of the Legislature by the Governor directed against the State Highway Commission and such other matters as authorized under and by virtue of said resolution; and,

Whereas, The Committee of the Whole Senate will as such have occasion to summons witnesses and to compel their attendance and will require all testimony to be taken in shorthand and transcribed in order that the testimony may be preserved, therefore,

We recommend that said Committee shall have the power and authority to issue process for witnesses to any place in this State and compel their attendance and to produce all books and records and issue attachments for witnesses and to compel their attendance and to punish for

contempt any witness disobeying any summons by said Committee and shall have power to report to the Senate of the State of Texas the action of any witness disobeying any process or in any other manner violating any rule or order of said Committee.

We further recommend that such process may be served by the Sergeants-at-Arms of the Senate or by any sheriff or other officer authorized to execute process in Texas; that said Committee shall have the power to inspect and make copies of any books, records or files of any department, commission or board of this State or any employee or appointee of the State or any department thereof or of any county or political subdivision of the State and to require the production of any correspondence relating to any matters over which said Committee has jurisdiction under the resolution aforesaid.

We further recommend that the chairman of the Committee shall have power to administer oaths and affirmations and the Committee shall have all powers necessary in order to accomplish the purpose for which said Committee of the Whole Senate is acting.

We further recommend that said Committee shall have the power and authority to employ and compensate all necessary investigators and stenographers to be used in connection with said investigation.

We further recommend that said Committee may call upon the Attorney General of the State of Texas, or any member of his department, for assistance and advice and it shall be the duty of the Attorney General to render such opinions and to give counsel and assistance to said Committee upon the request of the chairman or a majority of the members of said Committee.

We further recommend that the Governor and State Highway Commissioners shall be entitled to counsel of their own selection who shall be permitted to sit with said Committee and to examine witnesses and in all respects represent the Governor and the State Highway Commissioners and the several members thereof.

The following rules shall govern in conducting the investigation:

1. The President of the Senate shall appoint a Chairman of the Committee of the Whole.

2. The Chairman shall select a committee of four Senators to be known as a Board of Managers for the investigation.

3. The Board of Managers will determine among themselves the order in which witnesses are to be presented, and when a witness shall have been presented, the examination-in-chief will be conducted by the Board of Managers or by some member of the Senate selected by the Board of Managers, and when such examination-in-chief is concluded, the witness will be subject to further examination by any member of the Committee. Any member of the Committee desiring to introduce a witness will first secure the consent of the Board of Managers.

4. The Board of Managers together with the Chairman of the Committee shall select competent shorthand reporters who shall take in shorthand all proceedings had before the Committee, and the testimony of all witnesses and all documentary evidence shall be reduced to writing and constitute the record of this case, provided however, that the Board of Managers may in their discretion direct the elimination of any immaterial matters from the record.

5. The compensation of the shorthand reporters and any other expense incident to the hearing shall be paid for out of the contingent fund of the Senate upon vouchers approved by the Chairman.

6. Any member of the Committee who desires to secure the attendance of a witness shall first submit in writing to the Board of Managers the name and address of such witness, and in connection therewith, sufficient data to identify any documentary evidence that he desires such witness to produce, and if the Board of Managers deems it advisable to secure the attendance of such witness and such documentary evidence, they shall request the Chairman to issue the necessary process for such witness with subpoenas duces tecum for the documentary evidence.

7. Any member of the Senate shall have the right to interrogate witnesses in an orderly manner and under direction of the Chairman of the Committee after having been recognized by the Chairman.

8. Counsel for the Governor and the State Highway Commission shall enter his or their appearance at the

beginning of the hearing, and no additional or outside counsel will be recognized.

9. The Attorney General and his assistants, the Governor, her attorney, and her Secretaries, the State Auditor, the Comptroller, the State Treasurer, and the Commissioner of Banking shall be admitted at all times within the bar of the Senate. Rule 92 shall be enforced as to all other parties.

10. The Attorney General or any assistant shall have the right to participate in the hearing and examine witnesses.

11. In the admission or rejection of testimony, the Chairman shall exercise his discretion in reference thereto.

WOODWARD,
SMALL,
MARTIN.

The report was read.

At Ease.

Senator Hopkins received unanimous consent for the Senate to stand at ease for five minutes in order to study the report of the committee on procedure before voting on it.

Message from the Governor.

Executive Office,
Austin, Texas, Feb. 15, 1933.
To the Forty-third Legislature:

I herewith enclose you copy of a letter from Hon. A. W. McMillen, Field Representative of the Reconstruction Finance Corporation. Mr. McMillen is now in Texas and has been for some days making inspection of the manner of distribution of the fund to relieve destitution set aside by the Reconstruction Finance Corporation.

In this letter it will be observed that attention has been called to what other states are doing in the way of cooperating with the Reconstruction Finance Corporation to relieve suffering and to bring about relief to the needy and destitute part of our citizenship.

Mr. McMillen is of the opinion that Texas should do something to relieve the needs of our people and that the Reconstruction Finance Corporation should not be expected to carry on the work solely by its own funds. I am submitting his letter for your earnest and respectful consideration, and I beg to say that if this relief work is to continue for any length of time, I feel sure the

Federal Government is going to require the State to cooperate in some material way to carry on the work.

I suggest that a committee of the House and Senate be appointed to confer with my Department with a view to making recommendation to the Legislature as to what might or can be done in the premises. The comfort and the needs of our people who are in destitute condition should receive the earnest consideration of the Executive and the Legislative branches of our Government, and we should in some official way assure the Reconstruction Finance Corporation of our appreciation of their activities in behalf of our people and they should be given assurance of our entire willingness to do everything within our power to continue this necessary relief.

MIRIAM A. FERGUSON,
Governor.

February 4, 1933.

To Her Excellency,
Honorable Miriam A. Ferguson,
Governor of Texas.

Your Excellency:

You are aware that considerable sums of money have been made available in the State of Texas by the Reconstruction Finance Corporation for the relief of destitution. For example, the amount made available for the months of January and February, was approximately \$2,500,000.00.

It is plainly the intent of the Emergency Relief and Construction Act of 1932 that funds made available by the Reconstruction Finance Corporation for relief of destitution are not in lieu of, but are merely supplemental to State and local efforts.

I should like to direct your attention to measures that have been adopted by other states in an effort to help meet the needs of their destitute unemployed. Up to the present time, the State of New York has met its own problem, which has been an extremely heavy one, through successive issues of bonds for unemployment relief, now totaling, I believe, \$55,000,000.00.

The State of Illinois was the first State to apply to the Reconstruction Finance Corporation for funds for the relief of destitution. Although funds have thus far been made available to the State of Texas for periods of at least two months, the Reconstruction Finance Corporation has

upon occasion made funds available to the State of Illinois for fifteen days only in an effort to emphasize their conviction that the State must make efforts toward self-help. This attitude of the Reconstruction Finance Corporation toward the State of Illinois has occasioned four special sessions of the Legislature since the last regular session. At the first special session, a \$25,000,000.00 bond issue for unemployment relief was voted, and I understand that a further issue by the State is now being considered.

The State of California has recently made its first request for funds for the relief of destitution. Before the application of the State of California was acted upon by the Corporation, a telephonic conversation was held with the Governor and the legislative leaders and an agreement was reached that a bill would be immediately introduced in the State Legislature to provide a \$20,000,000.00 bond issue for relief of the destitute unemployed in California. The Corporation made it clear to the State of California that consideration of future applications would be contingent upon this action.

You are undoubtedly aware of the negotiations that have transpired between the Corporation and the Governor of Pennsylvania, resulting, as you know, in a special session of the Legislature with the voting of a sales tax for unemployment relief.

In the State of Ohio, the Legislature has provided funds by authorizing use of existing gasoline and motor vehicle taxes for the purpose of unemployment relief, and by means of two new State excise taxes on public utilities. In Ohio, as in Illinois, the Corporation has in several instances made funds available in Ohio for a 15-day period only in an effort to help hasten State action.

In 1931, the State of Oklahoma enacted measures which produced approximately \$1,000,000.00 for relief. Several other states have already made provision of a similar character, and at the present time, bills are under consideration in a number of the State Legislatures. Among the states in which bills are at present being considered are states such as Arizona and Nevada, whose material resources are vastly inferior to those of the State of Texas.

I am informed that there are Constitutional inhibitions in Texas which would prohibit the issuing of bonds for unemployment relief, at this time, by the Legislature. This same inhibition has been encountered in other states, however, and the Legislature has either set in motion action which would enable them to circumvent the inhibition or have found other means for raising revenue for relief purposes.

If the State of Texas provides funds for relief of destitution, it is in my opinion, of utmost importance that the administration of such funds be vested in the Governor's Emergency Relief Commission. My view on this matter, is the view of the Corporation as reflected by its attitude relative to supplementary state funds in other states. In Texas the Governor's Emergency Relief Commission has been and is now administering Federal funds for the relief of destitution. I feel that this Commission has learned a good deal about the problems involved in a relief program and that a great deal of waste and duplication would result if their experience were not utilized in the administration of the supplementary funds made available by this State.

As Field Representative for the Reconstruction Finance Corporation in the southwestern states, I am under instruction to bring this matter to the attention of the various governors. In my opinion, it is of urgent importance that you bring this to the attention of the Legislature in order that they may institute action looking toward self-help. If the Legislature ignores this problem and does not attempt to make provision for the destitute unemployed of the State, it is my opinion that future applications for Federal unemployment relief funds for the State of Texas will be seriously prejudiced.

Very respectfully yours,

A. W. McMILLEN,
Field Representative, Reconstruction Finance Corporation.

S. C. R. No. 16.

Senator Rawlings sent up the following resolution:

Whereas, There exists within the bounds of Texas much sorrow and distress because of the unemployment of many people due wholly to

the depressed economic conditions of the Nation generally, and

Whereas, The Reconstruction Finance Corporation, through its field representative, Mr. A. W. McMillen, has made known to the Governor of our State methods employed by other states of the Union in seeking assistance to take care of this unprecedented unemployment within their confines, and

Whereas, Honorable Miriam A. Ferguson, Governor of Texas, has sent to the Legislature a message to which was attached the written communication of said field representative of the Reconstruction Finance Corporation, in which she asks the cooperation of the joint legislative bodies of Texas in an effort to allay at least a portion of the need existing within our State, through the disposition of funds that may be secured from the Reconstruction Finance Corporation, and

Whereas, It appears that the joint efforts of the House of Representatives and Senate are necessary in undertaking to secure whatever financial aid may be available; therefore, be it

Resolved, That the President of the Senate be authorized to appoint a committee of three members to cooperate with a like committee of four members of the House to be appointed by the Speaker, for the purpose of working out a plan to obtain whatever assistance may be had from the Reconstruction Finance Corporation.

RAWLINGS,
GREER,
PATTON.

The resolution was read.

Senator Woodruff received unanimous consent that the rule requiring resolutions to be referred before consideration be suspended.

The resolution was adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 16, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 222 by a viva voce vote.

The House has adopted the free conference committee report on

House Concurrent Resolution No. 9 by a vote of 128 ayes and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Rules on Procedure.

The question recurred on the special committee report on rules and procedure of the hearing relative to the Highway Department. The report was adopted.

Committee of the Whole.

On motion of Senator Woodward, the Senate, at 11:12 o'clock a. m., resolved itself into a Committee of the Whole.

In Session.

The Senate was called to order at 11:20 o'clock a. m. by Senator Small.

Senate Simple Resolution No. 50.

Senator Purl sent up the following resolution:

Whereas, We learn with sorrow of the cowardly and infamous attack upon the life of our President-Elect, Franklin D. Roosevelt, and

Whereas, Although the President-Elect escaped unhurt, the bullets from the would-be assassin struck Mayor Cermak of Chicago, Mrs. Joseph H. Gill of Miami, Florida, a former citizen of this State, Miss Margaret Druis, Newark, N. J., William Sinnett, New York City, and Russell Caldwell, Miami, Florida, thereby causing much suffering and a possible loss of the life of Mayor Cermak; therefore, be it

Resolved by the Senate of Texas, That a message be sent from the Texas Senate to President-Elect Roosevelt, expressing thankfulness for his escape from death and a deep regret that such an incident should occur; also an expression of hope that Mrs. Gill, Mayor Cermak, Miss Druis, Mr. Sinnett, and Mr. Caldwell, are not seriously injured and that they may experience a speedy recovery from these wounds.

PURL,	FELLBAUM,
BECK,	GREER,
BLACKERT,	HOLBROOK,
COLLIE,	HOPKINS,
COUSINS,	HORNSBY,
DeBEERY,	MARTIN,
DUGGAN,	MOORE,

MURPHY,	REGAN,
NEAL,	RUSSEK,
ONEAL,	SANDERFORD,
PACE,	SMALL,
PARR,	STONE,
PATTON,	WOODRUFF,
POAGE,	WOODUL,
RAWLINGS,	WOODWARD.
REDDITT,	

Read and adopted unanimously by a rising vote.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 16, 1933.
Hon. Edgar F. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. B. No. 166, A bill to be entitled "An Act amending Article 6562, Chapter 2, Title 113, of the Revised Statutes of the State of Texas of 1925, reducing the pay of the officers and men of the State Ranger Force, and eliminating longevity pay, and declaring an emergency."

(With amendment.)

S. C. R. No. 16, Providing for the appointment of a joint committee from the House and from the Senate to cooperate with the Executive Department relative to the manner of distribution of the fund set aside by the Reconstruction Finance Corporation to relieve destitution.

The following have been appointed on the part of the House:

McGREGOR,
LAIRD,
JONES of Atascosa,
DUVALL.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 22.

The Chair laid before the Senate:
H. C. R. No. 22, Relative to refinancing mortgage loans with \$5,000,000 of Reconstruction Finance Corporation funds.

The resolution was read.

Senator Purl moved to lay the resolution on the table, subject to call.

Senator Fellbaum raised the point of order that the motion was not debatable.

The Chair, Senator Small, overruled the point of order, but later

withdrew his original holding and sustained the point of order.

The motion to lay the resolution on the table subject to call was lost by the following vote:

Yeas—9.

Collie.	Oneal.
Duggan.	Poage.
Holbrook.	Purl.
Hornsby.	Woodruff.
Murphy.	

Nays—17.

Beck.	Rawlings.
Cousins.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Woodul.
Neal.	Woodward.
Patton.	

Present—Not Voting.

Stone.

Absent.

Pace.

Parr.

Absent—Excused.

Blackert.

DeBerry.

Senator Sanderford sent up the following amendment:

Amend resolution by striking out the words "not to exceed \$5,000.-000.00" and insert in lieu thereof the words "not to exceed \$50,000.-000.00."

SANDERFORD.

The amendment was read.

Senator Purl sent up the following substitute for the amendment:

Strike out the words "not more" and substitute the words "not less than"

PURL.

The substitute was read and lost by the following vote:

Yeas—6.

Collie.	Oneal.
Hornsby.	Purl.
Moore.	Small.

Nays—19.

Beck.	Fellbaum.
Cousins.	Greer.
Duggan.	Holbrook.

Hopkins.	Russek.
Martin.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.
Patton.	Woodul.
Redditt.	Woodward.
Regan.	

Absent.

Pace.	Poage.
Parr.	Rawlings.

Absent—Excused.

Blackert.	DeBerry.
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The amendment was adopted by the following vote:

Yeas—20.

Beck.	Patton.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Oneal.	Woodward.

Nays—5.

Collie.	Woodruff.
Holbrook.	Woodul.
Murphy.	

Absent.

Hopkins.	Parr.
Pace.	Poage.

Absent—Excused.

Blackert.	DeBerry.
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The resolution as amended was adopted by the following vote:

Yeas—21.

Beck.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Oneal.	Woodul.
Parr.	Woodward.
Patton.	

Nays—4.

Collie.	Hornsby.
Holbrook.	Murphy.

Absent.

Hopkins.	Poage.
Pace.	Woodruff.

Absent—Excused.

Blackert.	DeBerry.
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Senator Purl moved to reconsider and spread on the Journal the vote by which the resolution was adopted. The motion was lost.

Motion to Concur.

Senator Holbrook moved to concur in the House amendment to S. B. No. 166. The motion prevailed by the following vote:

Yeas—22.

Beck.	Oneal.
Collie.	Parr.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

Nays—1.

Russek.

Absent.

Cousins.	Patton.
Hopkins.	Poage.
Pace.	Woodruff.

Absent—Excused.

Blackert.	DeBerry.
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Committee Appointed.

The Chair appointed the following committee on the part of the Senate by virtue of S. C. R. No. 16: Senators Rawlings, Woodul, and Pace.

House Bill No. 121.

Senator Neal called up from the table the following bill:

By Mr. Alsup:

H. B. No. 121, A bill to be entitled "An Act to amend Chapter 6 of the Special Laws of the Acts of the Regular Session of the Forty-second Legislature providing for an open season or period of time when it shall be lawful to take or kill squirrels in

certain counties; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 121 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Blackert. DeBerry.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Blackert. DeBerry.

Motion to Take Up S. B. No. 198.

Senator Rawlings asked unanimous consent to take up and consider S. B. No. 198.

Objection was heard.

Senator Holbrook moved to take up the bill. The motion prevailed by the following vote:

Yeas—17.

Collie.	Purl.
Duggan.	Rawlings.
Fellbaum.	Regan.
Holbrook.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Oneal.	Stone.
Parr.	Woodward.
Poage.	

Nays—8.

Greer.	Neal.
Hopkins.	Pace.
Hornsby.	Redditt.
Martin.	Woodul.

Absent.

Beck.	Patton.
Cousins.	Woodruff.

Absent—Excused.

Blackert. DeBerry.

The Chair laid before the Senate on its second reading the following bill:

By Senator Rawlings:

S. B. No. 198, A bill to be entitled "An Act to amend Article 3832 of the Revised Civil Statutes of 1928, by adding thereto another item to be numbered '17,' and declaring an emergency."

Read second time.

Senator Woodul sent up the following amendment:

Amend S. B. No. 198, line 37, by adding after the word "effects" in said line the following "not to exceed in value the sum of \$500.00."

WOODUL.

The amendment was read.

Senator Rawlings moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Collie.	Murphy.
Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Regan.
Moore.	Stone.

Nays—15.

Holbrook.	Hornsby.
Hopkins.	Martin.

Neal.	Sanderford.
Oneal.	Small.
Pace.	Woodruff.
Parr.	Woodul.
Purl.	Woodward.
Redditt.	

Absent.

Beck.	Patton.
Cousins.	Russek.

Absent—Excused.

Blackert.	DeBerry.
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Senator Poage sent up the following amendment to the amendment:

Amendment to Woodul amendment, S. B. No. 198:

Amend line 17 by striking out the words "and personal effects."

POAGE,
ONEAL,
MURPHY,
PURL.

The amendment to the amendment was read.

On motion of Senator Martin, the bill, with pending amendments, was laid on the table subject to call.

Personal Privilege.

Senator Purl addressed the Senate on a point of personal privilege.

Request for Additional Stenographer.

Senator Purl asked unanimous consent that he be allowed to employ an additional stenographer. Unanimous consent was granted.

Adjournment.

On motion of Senator Woodward, the Senate, at 12:41 o'clock p. m., adjourned until 9:30 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Petition of the People of Refugio County.

(Ordered printed in the Journal by unanimous consent on motion of Senator Woodul.)

To the Legislature of the State of Texas:

The people of Refugio County, respectfully petition the Legislature of Texas, to take immediate steps to

acquire for the State, and improve, mark and preserve for posterity in the form of State Parks, three (3) historic spots of Refugio County:

I. The famous Port of El Copano, located on the northwest side of Copano Bay, at a point about 14 miles on a direct line from the town of Refugio.

II. Part of the Battlefield of Refugio, located in the southwest part of the town of Refugio, and on the south side of Mission River, opposite the site of the Mission of Refugio.

III. King's battleground, located along the south bank of Mission River, about a mile below the Mission site.

To refresh memories as to the important parts played by these three places, we state the following facts in connection with each.

Port of Copano.

The old port of El Copano is situated along a crescent arc of Copano Bay, and the view is one of the most beautiful on the Texas coast. The landing was known and used from prior to 1749 to the 1880's, it being during Spanish and Mexican dominion the most convenient means of access to the presidios of La Bahia and Bexar. In the late 1700's the smugglers and pirates operating along the Texas coast used the place as a landing place, and it was for the purpose of protecting the port from this gentry, the old Mission of Our Lady of Refugio was built at Refugio in about 1790. General Almonte in 1834, inspected Texas and reported to Santa Anna that El Copano was the principal port of Texas, and that 100 vessels could ride at anchor at the same time in the bay. He recommended that it be fortified and garrisoned. In the 1820's a custom house was built on the beach. This building was later used by Texas and Mexican armies as a depot. In the late 1830's a town was built at Copano by the Texans, and three wharves constructed, remains of which can be now seen.

The houses were built along the bluff overlooking the bay. The buildings were constructed of concrete, made from shell on the beach. The walls were massive. Some of the houses were two stories high. They were roofed with slate, imported from Ireland. The walls of

the two-story home of Colonel James Power, and large shell-concrete cistern, are still standing, and are landmarks. Ruins of the other houses are to be found in the thick brush. The town was a port of entry from the Spanish days until after the Civil War. Most of the townsite is still owned by the descendants of Empresario Power.

Several of the coastal colonies landed at this port between 1821 and 1835. McMullen and McGloin's San Patricio colony came through there in 1829. Power and Hewitson's Refugio colony landed there at various dates between 1828 and 1834. Dr. James Grant and James Bealle's Rio Grande colony landed there in November, 1833.

General Cos and a Mexican Army transported from Matamoros on the "Veracruzana" landed at Copano, September 21, 1835, and marched through Goliad to Bexar. This was the beginning of the military history of the Texas Revolution. It was this army which surrendered to the Texans at Bexar on December 11, 1836. Supplies for the siege of Bexar were ordered to come through Copano.

To prevent further invasions by sea, General Houston ordered Copano to be fortified and garrisoned, and six officers were detailed to execute this order. Santa Anna, it seems, originally contemplated landing his army at Copano and striking direct at the interior colonies.

Copano was designated by the council and General Houston as the concentration point and base of operations for the projected expedition against Matamoros, and Colonel Fannin was ordered to take his troops there.

Accordingly Fannin with Ward's Georgia Battalion, and possibly Shackelford's "Red Rovers," came on the schooners "Columbus" and "Flora" to the port, and landed on January 28, 1836. They brought with them the first flag of Texas, made by Joanna Troutman and presented by her to Ward's Georgia Company. Captain Burr H. Duval's Kentucky Company also landed there in January, 1836. Other volunteers with Fannin's command came at different times through this port.

General Urrea took possession of Copano, March 16, 1836, and forti-

fied it. He left a garrison of 60 men from the Yucatan Battalion, commanded by Colonel Rafael de la Vara, there from that time until its evacuation on May 10, 1836. The notorious Juan Davis Bradburn, of Anahuac fame, was made collector of the port by Urrea.

Major Miller's Nashville Company was captured by the Mexicans when they landed at the port on March 22, 1836. The prisoners were sent to Goliad, but were excepted from the massacre. On the day of the capture of Miller's command, Colonel Alvarez with reinforcements for Urrea arrived at Copano. With the Colonel was his wife, Senora Alvarez, who is known to Texans as the "Angel of Goliad." She performed an act of mercy at Copano when she saw Miller's men so tightly bound with thongs as to stop circulation of blood. At her entreaty Colonel Alvarez had the bonds relaxed.

Under the terms of the treaty between Santa Anna and Texas, Santa Anna was to be returned to Vera Cruz, but was to stop at Copano, until it was determined that he had complied with his part of the treaty. The plan was afterwards changed and Santa Anna was sent to Washington, D. C., instead.

The Supreme Government of Mexico ordered General Filisola to fortify and hold Copano, Goliad and Bexar, on their retreat after San Jacinto. Urrea, however, took the artillery, and evacuated Copano.

The Texans expelled John Davis Bradburn, the villain of Anahuac, from the port and compelled him to go from there to Matagorda Island in a row boat.

After the Texas Revolution a thriving town grew at the port, and existed until 1880.

James Power, Empresario of Power and Hewitson Colony, signer of the Declaration of Independence, signer of the First Constitution of Texas, member of Constitution and General Council, veteran of the battles of Lipantitlan and the Nueces, the Council's ambassador to General Mexia, and a Senator of the Texas Republic, lived at Copano, and the ruins of his two-story shell-concrete house, and concrete cistern, stand overlooking the beautiful bay.

Walter Lambert, a soldier in Captain Dimitt's company, a veteran of

several battles, third lieutenant of artillery in the army of the Revolution, a veteran of San Jacinto, and afterwards Chief Justice of Refugio County, lived there. The ruins of his shell-concrete house are there.

Milford P. Norton, chairman of Annexation Meeting held at Houston, district judge during the Republic, and prominent in public affairs, lived there. Ruins of his buildings and wharf are extant.

During the Civil War the Federal navy anchored off the port.

During the Republic, and up to the end of the Civil War, Copano was a port of entry. Edward Gritton was appointed by Governor Smith first collector of the port, and the refusal of the Council to confirm this appointment was a factor in the quarrel between the Governor and Council.

Battlefield at Refugio.

The old mission was located near Mission River in the southwest part of the town of Refugio. The principal ford of the river was a little north of the mission, and here the road from San Patricio to Goliad crossed. The mission was demolished many years ago.

The area near the river banks opposite and below the mission, was the concentration place for Texas troops in their contemplated invasion of Mexico in 1835-6. It was here that General Houston, and his staff of six officers, including Major Hockley, reviewed the troops, in January, 1836, and dissuaded the most of them from the rash expedition against Matamoros. It was from this point Johnson and Grant started on the expedition, and it was to this point that Colonel Johnson and the few survivors came after the massacre at San Patricio. Colonel Fannin made his headquarters here before he moved on to Goliad. It was at the Texas camp on the river that General Houston, Colonel James Power, Edward Conrad and David Thomas, were elected as delegates from Refugio to the Convention at Washington. All of them were signers of the Declaration of Independence.

The principal interest of these grounds is connected with battles which occurred there March 12, 13 and 14, 1836. Captain Amon B. King with his Kentucky Company

was detailed by Colonel Fannin to go to Refugio and assist Lewis Ayres, a member of the Consultation, and his family to retire to a place of safety. On March 12, while on this detail, Captain King was attacked by the van of Urrea's advancing army. King took refuge in the mission and sent to Fannin for help. On the afternoon of March 13, Lt. Col. William Ward and his Georgia Battalion, consisting of 150 men arrived at the mission, storming their way through the Mexican lines. During the night of the 13th, Captain Isaac Ticknor's Company crossed the river and made a night attack on the Mexican camp, killing many, and thoroughly routing the enemy. Before leaving on the morning of the 14th, Captain King and his company marched down the river to the plantation of a Mexican spy with the object of apprehending him. In the meantime about one-half of Urrea's army arrived opposite the mission and barred King's return. Ward advanced out of the mission to the relief of King but retired before overwhelming numbers. Ward then put the mission in state of defense, and sustained and repulsed four murderous assaults launched by Urrea, and then successfully made his way through the Mexican lines, having sustained no loss in killed and only 3 severely wounded.

The Battle of Refugio has never been given the important rank it deserves. Ward held Urrea's entire army of about 1200 men at bay all day, and inflicted such a terrible loss on it (from 200 to 600) that had not Urrea received two divisions of reinforcements from Santa Anna at Goliad, he would have been unable to have accomplished Fannin's destruction.

Ward's heroic defense of Refugio Mission deserves to be ranked with that of the Alamo.

King in returning to the mission clashed with the Mexican rear guard, in sight of the mission. Realizing he was confronted by overwhelming numbers, King took up a position on the river, from which he held the Mexican cavalry at bay for several hours. Urrea then launched a large infantry unit against the embattled Texans. King had about one-half of his company killed or wounded. The Mexican loss was terrific. King, however, effected his escape, with the remnant of his gallant band, but became lost in the prairie. On March

16, King surrendered at the ranch of John Malone, a member of the Consultation, about 8 miles north of Refugio. That evening he and his men were massacred by Urrea's orders on the outskirts of La Bahia.

Jas. A. Steele, County Judge,
Clarke Adkins, Co. Com. Prec.
No. 4,

J. C. West, Co. Com. Prec. No. 3,
Paul Neumann, Co. Com. Prec.
No. 2,

Thos. J. Heard, Co. Com. Prec.
No. 1,

T. W. McGill, County and Dis-
trict, Refugio Co., Texas,

Flo O. Buckley, Attorney,
W. L. Rea, County Attorney,
L. R. Jeter, Mayor, Town of
Refugio,

J. W. Heard, Town Secretary,
Joe W. Sneed, Alderman,
F. C. Bailey, Alderman,
Glynn Moss, Alderman,
B. E. McGill, Alderman,
Refugio Chamber of Commerce,
by Alex Lilliso, Secty.,

Hobart Huson, Post Command-
er, American Legion, Refugio,

K. D. Hall,
J. C. Johnson, Tax Assessor,
A. H. Bailey, President, School
Board,

M. E. Burchmiller, Ex-Deputy
Sheriff,

G. J. Halipeska, D. C.,

E. A. Clarkson,
Wilson Heard, Jr.,

Lena Bowley,
S. G. Chadwell,

E. D. Traylor,
Miss Maurine Haws,

Alexander De Sylva,
J. L. Jones, Editor, Timely Re-
marks,

Frank Low,

J. L. Grant,

R. P. Clarkson,

T. C. Walker,

Mrs. N. C. Imon,

Mike Sullivan,

John Ryals,

Anna Mae Johnson,

C. Baumgartner,

S. Chamberlain,

T. J. Wilkinson,

B. N. Johnson,

H. S. Jopling,

Floyd Kelley,

J. H. Randall,

Van Chamberlain,

Eugene Low, Jr.,

W. S. Wyrick,

R. B. Harrison,

Mrs. E. W. Lynd,

E. W. Lynd,

Mrs. Garland Clymore,
Garland Clymore,

T. H. Heard,

J. D. Adkins,

R. F. Sayers,

A. T. Ramsey,

Pat Bucket,

T. E. Duncan,

W. Wilkenfeld,

C. H. Shaw,

O. D. Jackson,

Sam F. Adler,

E. W. Johnson,

W. A. Leighty,

Edward L. Jones,

E. P. Buey,

G. C. Primholes,

Aldridge George,

Mrs. Viola L. Buck,

Mrs. Billie W. Sorey,

J. Turner Vance,

L. E. Carlisle,

A. J. Grindstaff,

Maston Murphy,

Edwin H. Bailey,

J. P. Ruddteln,

M. E. Bam,

Theo Mikolejczyk,

Bonnie Adler,

A. H. Brundrett,

W. W. Bailey,

J. O. Moore,

Frank Nye,

Frank W. Jones,

J. R. Larqurtts,

Mrs. J. M. Turman,

Mrs. J. O. Moore,

Mrs. J. S. Modlin,

Mrs. C. J. Turman,

Ruby Holloway,

Mrs. O. C. Adams,

C. A. Duck,

G. B. Shoemaker,

Nellie Mae Clark,

Mrs. Jack Park,

John C. Hardy, Jr.,

Mr. and Mrs. W. I. Bryant, Oak

Hotel.

Ed Sietterle,

Jack Park,

Francis West,

Mrs. W. Cash,

Mrs. H. S. Jopling,

Mrs. John L. Cooke,

Mrs. Julia Low,

Leona Bruckmiller,

H. H. Shipp, M. D.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 15, 1933.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.

141 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 13 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 146 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 184 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 12, A bill to be entitled "An Act to provide that no water improvement district, water control and improvement district, water control and preservation district, levee improvement district, nor drainage district, shall be required to give bond on any appeal or writ of error taken by it, or either of them, in any civil case, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 42, A bill to be entitled "An Act amending Article 2691, Revised Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 76, A bill to be entitled "An Act relating to the installation, operation and use of short wave radio receiving sets in motor vehicles, prohibiting the installation and use thereof without a permit, except by bona fide peace officers, prescribing the penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 113, A bill to be entitled "An Act providing when, how and in what manner any water improvement district or water control and improvement district or conservation and reclamation district, now or hereafter organized and existing under the Constitution and laws of this State may refund any of its outstanding bonds or any of its valid outstanding notes, warrants or other obligations (other than bonds); etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 164, A bill to be entitled "An Act to repeal Article 794, Penal Code of the Revised Statutes which provides that the operators of motor vehicles in passing each other on the State highways shall slow down their speed to fifteen miles per hour, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 78, Relative to regulating motor carriers.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 183, Relative to driver's licenses.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on

State Highways and Motor Traffic, to whom was referred

H. B. No. 49, Relative to repealing headlight law.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 263, Relative to appropriating money to county and road district funds.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. R. No. 46, by Woodruff.

Have had the same under consideration, and I am instructed to report it back to the Senate sitting as a Committee of the Whole for such action as may be deemed necessary.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

H. C. R. No. 22, Proposing that a fund of five million (\$5,000,000.00) dollars be placed in the Home Loan Bank for the purpose of refinancing mortgage loans, not in excess of 25% of the original amount.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RUSSEK, Chairman.